

Effective June 15, 2017.

**AUTHORITY OF A PERSON TO SELL PROPERTY WITHOUT
ENGAGING IN BUSINESS AS A MOTOR VEHICLE DEALER**

CHAPTER 1067

H.B. No. 3215

AN ACT

relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 503.024(b) and (d), Transportation Code, are amended to read as follows:

(b) For the purposes of Section 503.021, a person is not engaging in business as a dealer by:

(1) selling or offering to sell, *if the sale or offer is not made to avoid a requirement of this chapter*, a vehicle the person acquired for personal or business use to:

(A) a person other than a retail buyer *if not sold or offered through a licensed auctioneer; or*

(B) *any person if the sale or offer is made through a licensed auctioneer* ~~[if the sale or offer is not made to avoid a requirement of this chapter];~~

(2) selling, in a manner provided by law for the forced sale of vehicles, a vehicle in which the person holds a security interest;

(3) acting under a court order as a receiver, trustee, administrator, executor, guardian, or other appointed person;

(4) selling a vehicle the person acquired from the vehicle's owner as a result of paying an insurance claim if the person is an insurance company;

(5) selling an antique passenger car or truck that is at least 25 years of age; or

(6) selling a special interest vehicle that is at least 12 years of age if the person is a collector.

(d) For the purposes of Section 503.021, a licensed auctioneer is not engaging in business as a dealer by, as a bid caller, selling or offering to sell property, *including a business that holds the title to any number of vehicles*, to the highest bidder at a bona fide auction if:

(1) legal or equitable title does not pass to the auctioneer;

(2) the auction is not held to avoid a requirement of this chapter; and

(3) for an auction of vehicles owned legally or equitably by a person who holds a general distinguishing number, the auction is conducted at the location for which the general distinguishing number was issued.

SECTION 2. This Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3215 on May 26, 2017: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 24, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.